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EXTRAORDINARY

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GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 19th July 1948

ORDINANCE No. XVII OF 1948

AN

ORDINANCE

to control the admission into India of persons from West Pakistan.

WHEREAS an emergency has arisen which makes it necessary to control the admission into India of persons from West Pakistan;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c.2), the Governor General is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Influx from West Pakistan (Control) Ordinance, 1948.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context—

(a) “enter” means to enter by water, land or air;

(b) “officer of Government” means any officer of the Central Government or of a Provincial Government or of the Government of an acceding State;

(c) “permit” means a permit for the time being in force issued or renewed by the prescribed authority and satisfying the described conditions relating to the class of permits to which it belongs;

(d) “prescribed” means prescribed by rules made under this Ordinance;

(e) “West Pakistan” means that part of Pakistan which lies to the west of India.

3. Control of admission into India of persons from West Pakistan.—(1) No person shall enter into India from any place in West Pakistan, whether directly or indirectly, unless—

- (a) he is in possession of a permit, or
- (b) being a person not belonging to India or Pakistan, he is in possession of a valid passport as required by the Indian Passport Act, 1920 (XXXIV of 1920), or
- (c) he is exempted from the requirement of being in possession of a permit by or in accordance with the rules made under this section.

—(2) The Central Government may, by a notification in the official gazette, make rules—

- (a) prescribing the authorities by whom permits may be issued or renewed, the conditions to be satisfied by the applicants for such permits, and the forms and classes of such permits;
- providing for the exemption, either absolutely or on conditions, of any person or class of persons from the requirement of being in possession of a permit; and
- providing for any other matters ancillary or incidental to the carrying out of the purposes of this Ordinance.

4. Penalty.—Any person who contravenes the provisions of section 3 or of any rule made thereunder shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both such imprisonment and fine.

5. Power of arrest.—(1) Any officer of police, not below the rank of a sub-inspector, any officer of the Customs Department of the Central Government, and any other officer of Government empowered by a general or special order of the Central Government in this behalf may arrest without warrant any person who has contravened, or against whom a reasonable suspicion exists that he has contravened the provisions of section 3 or of any rule made thereunder.

(2) Every officer making an arrest under this section shall, without unnecessary delay take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer-in-charge of the nearest Police Station, and the provisions of section 61 of the Code of Criminal Procedure, 1898 (V of 1898) or of the corresponding law for the time being in force in the acceding State shall, so far as may be, apply in the case of any such arrest.

6. Power of removal.—The Central Government may by a general or special order direct the removal from India of any person who, in contravention of the provisions of section 3, has entered India, and thereupon any officer of Government shall have all reasonable powers necessary to enforce such direction.

C. RAJAGOPALACHARI,
Governor General.

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K. V. K. SUNDARAM,
Secretary to the Govt. of India.